

## **REMARKS/ARGUMENTS**

This is in response to the official action dated November 13, 2007. Claims 1, 3-6 and 10-14 have been amended. No new matter has been added. Claims 1-20 remain pending in this application with claim 1 and 9 being the only independent claim. Reconsideration is respectfully requested.

### **Amendments to the Drawings:**

Please note that the Examiner has objected to the drawings on the grounds that the following features were not shown: The attached Replacement Sheet of drawings includes amended Fig. 2, showing the annular groove that was described in the specification on page 5, lines 30 to page 6, line 6. No new matter was added.

### **Specification:**

The Examiner objected to the specification because it was not arranged in US format, specifically because the application did not include subheadings. Such headings have now been added. The Examiner also objected to the Abstract. A new Abstract was submitted, only deleting the space that formed two paragraphs was deleted.

### **Objections under 35 USC §112:**

The Examiner rejected claims 3-7, 10-14 and 16-20. These objections are overcome by the present amendment. All instances of “diffusion member” have been changed to “diffusion surface”. The “groove” has been shown on the amended figure, submitted herewith.

### **Rejection under 35 USC §102:**

The Examiner stated that claims 1, 2, 4, 5, 9, 11 and 14 were anticipated by Hennart, in particular Fig. 2 of Hennart. In contrast to the Examiner’s assertion, Applicant submits that the structure in Hennart is distinguishable over the presently claimed application. Applicant teaches a transfer member in form of a rod-like porous wick, separate from (non-integral to) a diffusion

surface. The diffusion surface is provided of non-porous, no absorption material simply having an open capillaries provided on the hard surface of the diffusion surface:

“The diffusion surface useful in the present invention is least one ***non-integral, non-porous sheet having a surface capillarity***. By “sheet” is meant that the surface is a continuous, non-perforated one. It may be planar or it may be curved – one of the advantages of the invention is the variety of shapes that can be used – but diffusion is a surface effect, as there is no absorption into the surface, because of the surface being non-porous. ***By “non-porous” is meant that the material of the sheet is completely lacking in porosity and is therefore incapable of absorbing liquid that flows thereon.*** By “non-integral” is meant that the sheet is not made in a single piece with the transfer member but is made separately and attached thereto. This again allows considerably versatility in the selection of shapes and configurations. ***The sheet may be made of any suitable non-porous substance, for example plastics, ceramics, glass or metals.***” Specification, page 2, line 29-page 3, line 8. (emphasis added).

Accordingly, Applicant’s diffusion surface is nothing like what Hennart teaches, which is described as “The evaporator 9 is formed from a porous or fibrous material, such as for example, a felt, a tissue paper or unsized card, ...” Col. 4, lines 34 et seq. . Such evaporator may rest on the wall of the reservoir, or a flange. Further, note that the evaporator in Hennart is formed from the same material as the wick (Col. 4, line 59-65). This is in contrast to applicant’s present invention, where the wick and the diffusion surface or two separate, non-integral items. The

diffusion surface is “non-porous”, i.e. the material of the sheet is “completely lacking in porosity and is therefore incapable of absorbing liquid that flows thereon”. To further emphasise that the transfer member is separate from the diffusion surface, applicant has mended claim 1 to stress the separateness (or, as the specification explains, being non-“no-integral). Further, applicant claims a non- porous sheet bearing surface capillaries. Thus, Claims 1 and 9 are not anticipated by Hennart and are patentable. Depended claims 2, 4, 5, 9, 11, 12 and 14 are similarly not anticipated and patentable for the same reasons as claims 1 and 9 are patentable.

### **Rejection under 35 USC §103:**

The Examiner rejected claims 6, 7, 8, 15, 17-20 as being obvious over Hennart. The Examiner further states that all elements of claim 6 and 7, except for the “wedging” the diffusion surface and the rod-like transfer member, were present in Hennart. As discussed above, the independent claims from which the rejected claims directly or indirectly are dependent differ

from Hennart substantially in that the diffusion surface is different and thus, claims a “wedging” effect is not obvious, because it does also include a different diffusion surface.

Further, claims 8, 15 17-20 which include the groove/aperture snap is not obvious over Hennart because again, the diffusion surface as claimed by applicant is totally missing in Hennart and the groove/aperture is one additional feature that Hennart does not contemplate.

Thus, claims 6, 7, 8, 15, 17-20 are not obvious over Hennart.

In addition, The Examiner rejected claims 3, 10, 13 and 16 as being obvious over Hennart in view of Bailey. The rejected claims all include the amendment of the independent claims. In addition, adding Bailey as a secondary reference does not cure the deficiencies of Hennart’s teaching. Bailey merely discloses a vaporizer in form of a cone B which is connected to a container A. The differences between the primary reference and Applicant’s claims have been discussed above. Adding Bailey’s features of cone B does not overcome make applicant’s invention obvious. Bailey merely teaches that the (absorbent) cone B has integrated annular slots 13 to provide a larger evaporation/diffusion surface or as Bailey states “the plurality of annular slots 13 ... serve the purpose of bringing air into close contact with the fumes being evaporated”. Such increase in surface is a totally different concept than having a non porous diffusion surface which includes capillary channels, as Applicant claims. Using porous material as Hennart and Bailey (any suitable liquid-permeable material, e.g., wood) is entirely different that using a non-porous material with open capillaries on a surface.

Thus, the claims are not properly rejected as obvious over the references. The differences between the claimed subject matter and the reference is not obvious to a person of ordinary skill in the field at the time that the claimed invention was made. Further, it is not obvious to a person of ordinary skill to combine the references as suggested by the Examiner and arrive at Applicant’s claimed invention. As was shown, the present claims are different from the combination of references in ways which would not have been obvious. It would not have been obvious to make the combination. The combination is not a predicable use of known elements according to their established functions, and there is no reason to combine the known elements.

Thus, the claims are not obvious and such rejection should be withdrawn.

## CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

### ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,  
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